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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,785	09/08/2003	Charles D. Gollnick	14206US03	1344

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Christopher C. Winslade
McAndrews, Held & Malloy
Suite 3400
500 W. Madison Street
Chicago, IL 60661

EXAMINER	
SOBUTKA, PHILIP	

ART UNIT	PAPER NUMBER
2618	

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/657,785	GOLLNICK ET AL.	
	Examiner	Art Unit	
	Philip J. Sobutka	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 38-45 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 38-45 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 8/2005, 6/2006.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed June 3, 2006 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

2. The information disclosure statement filed June 3, 2006, fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 39,40,41,42,43 are rejected under 35 U.S.C. 102(e) as being anticipated by Harte (US 5,224,152).

Consider claim 39. Harte teaches a node *(Harte's cellular telephone is a node is a wireless network)* for use in a wireless network comprising:

a transceiver *(Harte, column 1, lines 18-20)*; and

a control *(Harte, microcontroller, see especially fig 5)* to operate the node in an active state and a low power state *(Harte see especially column 3, lines 22-32, column 4, lines 35 – column 5, line 9)*,

the node in a low power state waking in response to a timer interrupt *(Harte see especially column 4, lines 23 – column 6, line 35)* to receive a broadcast packet to which the node synchronizes *(Harte see especially column 4, lines 35-45)*.

Consider claim 40. Harte teaches a node *(Harte's cellular telephone is a node is a wireless network)* for use in a wireless network comprising:

a transceiver *(Harte, column 1, lines 18-20)*; and

a control (Harte, *microcontroller, see especially fig 5)* to operate the node in an active state and a low power state *(Harte see especially column 3, lines 22-32, column 4, lines 35 – column 5, line 9)*,

the node in a low power state waking at a timed interval *(Harte see especially column 4, lines 23 – column 6, line 35)* to receive a packet broadcast periodically in a broadcast packet time slot,

the node being responsive to the broadcast packet to switch to the active state *(Harte figure 6, item 212)*.

As to claim 41, Harte as applied to claim 40 above teaches wherein the node switches from the active state to the low power state if the node does not receive a message within a predetermined period of time *(Harte's device is only active long enough to decode two words i.e. a predetermined period of time, as shown in figure 6, boxes 204+, unless the message requires action)*

Consider claim 42. Harte teaches a method for operating a node in a wireless network comprising:

waking a node in a low power state at regular intervals *(Harte see especially column 3, lines 22-32, column 4, lines 35 – column 5, line 9)*;

receiving at a waken node a message broadcast periodically in a broadcast message time slot *(Harte see especially figures 1-4)*;

synchronizing the node to a received broadcast message *(Harte see especially column 4, lines 35-45)*; and switching the node to an active state in response to a received broadcast message *(Harte figure 6, item 212)*.

Consider claim 43. Harte teaches a method for operating a node in a wireless network comprising:

waking a node in a low power state at regular intervals *(Harte see especially column 3, lines 22-32, column 4, lines 35 – column 5, line 9)*;

receiving at a waken node a message broadcast periodically in a broadcast message time slot *(Harte see especially figures 1-4)*;

synchronizing the node to a received broadcast message *(Harte see especially column 4, lines 35-45)*;

switching the node to an active state in response to a received broadcast message *(Harte figure 6, item 212)*; and

switching the node to the low power state if a message is not received in the active state for a predetermined period of time *(Harte's device is only active long enough to decode two words i.e. a predetermined period of time, as shown in figure 6, boxes 204+, unless the message requires action)*.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 38, 44, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harte in view of Rypinski (US 5,440,560).

Consider claim 38. Hart teaches a node *(Harte's cellular telephone is a node is a wireless network)* for use in a wireless network comprising:

a transceiver *(Harte, column 1, lines 18-20)*; and

a control *(Harte, microcontroller, see especially fig 5)* to operate the node in an active state with the transceiver on and a low power state with the transceiver off,

the node in the low power state switching to the active state at regular intervals to receive a broadcast message *(Harte see especially column 4, lines 23 – column 6, line 35)* and the node synchronizing to the broadcast message *(Harte see especially column 4, lines 35-45)*.

Harte lacks a teaching of the message being a polling message.

Rypinski, in a power saving wireless network, teaches that use of polling messages allows for non-contending opportunities to request service *(Rypinski see especially column 1, lines 53-64)*. It would have been obvious to one of ordinary skill in the art to modify Harte to have the message be a polling message in order to allow for non-contending opportunities to request service as taught by Rypinski.

Consider claim 44. Harte teaches a wireless network comprising:

a first node for periodically broadcasting a message *(Harte see especially figures 1-4)*;

a second node having an active state for receiving messages and a low power state *(Harte see especially column 3, lines 22-32, column 4, lines 35 – column 5, line 9)*,

the second node switching from the active state to the low power state if a message is not received in the active state for a predetermined period of time *(Harte's device is only active long enough to decode two words i.e. a predetermined period of time, as shown in figure 6, boxes 204+, unless the message requires action)* and the second node in a low power state waking at regular time intervals *(Harte see especially column 4, lines 23 – column 6, line 35)* to receive a broadcast packet to which the second node synchronizes *(Harte see especially column 4, lines 35-45)*.

Harte lacks a teaching of the message being a polling message.

Rypinski, in a power saving wireless network, teaches that use of polling messages allows for non-contending opportunities to request service *(Rypinski see especially column 1, lines 53-64)*. It would have been obvious to one of ordinary skill in the art to modify Harte to have the message be a polling message in order to allow for non-contending opportunities to request service as taught by Rypinski.

Consider claim 45. Harte teaches a method of operating nodes in a wireless network *(Harte's cellular telephone is a node is a wireless network)* comprising:

operating a node in an active state *(Harte figure 6, item 212)*;

switching the node from the active state to a low power state if a message is not received for a predetermined period of time in the active state *(Harte's device is only*

active long enough to decode two words i.e. a predetermined period of time, as shown in figure 6, boxes 204+, unless the message requires action).

periodically broadcasting from another node a message *(Harte see especially figures 1-4)*;

waking the node in the low power state at timed intervals to receive a broadcast message *(Harte see especially column 3, lines 22-32, column 4, lines 35 – column 5, line 9)*; and

synchronizing the wakened node to the received broadcast message *(Harte see especially column 4, lines 35-45).*

Harte lacks a teaching of the message being a polling message.

Rypinski, in a power saving wireless network, teaches that use of polling messages allows for non-contending opportunities to request service *(Rypinski see especially column 1, lines 53-64).* It would have been obvious to one of ordinary skill in the art to modify Harte to have the message be a polling message in order to allow for non-contending opportunities to request service as taught by Rypinski.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Sobutka whose telephone number is 571-272-7887. The examiner can normally be reached Monday through Friday from 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4711.

9. The central fax phone number for the Office is 571-273-8300.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number.

CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7/21/06

PHILIP J. SOBUTKA
PATENT EXAMINER

Philip J Sobutka

(571) 272-7887